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**THE CITY OF NEW YORK**  
**LAW DEPARTMENT**  
100 CHURCH STREET  
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December 13, 2021

**VIA ECF**

Hon. Katherine Polk Failla  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

Re: *L.N. v. N.Y.C. Dep't of Educ.*, 21-cv-07918 (KPF)(RWL)

Dear Judge Failla:

I am an Assistant Corporation Counsel in the office of Corporation Counsel, Georgia M. Pestana, attorney for Defendant in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.*, as well as for this action.

I write to request a 30-day extension of Defendant's time to respond to the complaint from December 14, 2021 to January 14, 2022 and to adjourn the initial conference *sine die*, with a status letter due no later than February 14, 2022. I have asked for Plaintiff's consent, but he has not indicated if he objects or consents. Due to a technical error, these requests were not made earlier, with sincere apologies to the Court.

This is the first request to adjourn the initial conference and the second request to extend the answer deadline. The first request to extend the answer deadline was made on September 29, 2021 and granted by Your Honor the following day. This extension will permit Defendant to receive settlement authority from the Office of the N.Y.C. Comptroller and make an initial settlement offer to Plaintiff. The parties are hopeful that this matter will be settled without further burden on the Court's time.

Accordingly, Defendant respectfully requests that its deadline to respond to the complaint be extended to January 14, 2022, that the initial conference be adjourned *sine die*, and that a status letter be due no later than February 14, 2022. Thank you for considering these requests.

Respectfully submitted,

/s/

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Martha Nimmer, Esq.  
Assistant Corporation Counsel

cc: Justin M. Coretti, Esq. (via ECF)

Application GRANTED. The Defendant shall respond to the complaint on or before January 14, 2022. The initial pretrial conference currently scheduled for January 6, 2022, is hereby ADJOURNED *sine die*. The parties are directed to submit a joint letter regarding the status of settlement negotiations on or before February 14, 2022.

The Clerk of Court is directed to terminate the pending motion at docket number 10.

Dated: December 13, 2021  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE